

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 2/27/2014

Action Requested By:
Engineering

Agenda Item Type
Resolution

Subject Matter:

Modification No. 2 to Agreement with Brasfield & Gorrie, L.L.C.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with Brasfield & Gorrie, L.L.C. for Project Management Services for Redstone Gateway Package I and Package J, Project No. 65-13-SP20, by Modification No. 2

13-152 & 13-975

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

This contract modification is to extend the contract performance date for Project Management services on the Redstone Gateway Project. There is no change in the contract amount. New end date: December 31, 2014. Account No. N/A-Time Extension Only, no additional funds required.

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: Kathy Martin

Date: 2/21/14

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Engineering**

Council Meeting Date: **2/27/2014**

Department Contact: **Lynn Majors**

Phone # **256-427-5201**

Contract or Agreement: **Modification No. 2**

Document Name: **Brasfield Gorrie Package I and J Project No. 65-13-SP20**

City Obligation Amount: **N/A**

Total Project Budget: **N/A**

Uncommitted Account Balance: **N/A**

Account Number: **N/A**

Time Extension Only, no additional funds required.

Procurement Agreements

<u>Not Applicable</u>	<u>Not Applicable</u>
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Grant-Funded Agreements

<u>Not Applicable</u>	Grant Name:
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Department	Signature	Date
1) Originating	<i>Kathy Majors</i>	<i>2/21/14</i>
2) Legal	<i>Mary C. Cates</i>	<i>2/24/14</i>
3) Finance	<i>[Signature]</i>	<i>2/24/14</i>
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 14-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized, in Huntsville, Alabama, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to enter into Modification No. 2 to the Agreement with Brasfield & Gorrie, L.L.C., adopted and approved on the 28th day of February, 2013, by the City Council of the City of Huntsville, Alabama by Resolution No. 13-152, and amended on the 5th day of December, 2013, by Resolution No. 13-975, as attached hereto.

BE IT FURTHER RESOLVED that the contract completion date be modified from March 1, 2014 to December 31, 2014. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 2 to Agreement between City of Huntsville and Brasfield & Gorrie, L.L.C. for Project Management Services for Redstone Gateway Package I and Package J, Project No. 65-13-SP20, as adopted by Resolution No. 13-152 of February 28, 2013, and amended by Resolution No. 13-975 of December 5, 2013" consisting of a total of three (3) pages and the date of February 27, 2014, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, and an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

ADOPTED this the 27th day of February, 2014.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 27th day of February, 2014.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

Modification No. 2 to Agreement between
the City of Huntsville and Brasfield &
Gorrie, L.L.C. for Project Management
Services for Redstone Gateway Package I
and Package J, Project No. 65-13-SP20, as
adopted by Resolution No. 13-152 of
February 28, 2013, and amended by
Resolution No. 13-975 of December 5, 2013

THIS IS MODIFICATION NO. 1 TO AN AGREEMENT entered in on the 28th day of February, 2013, in the amount of ONE HUNDRED TWELVE THOUSAND THREE HUNDRED TEN AND NO/100 DOLLARS (\$112,310.00), and amended on the 5th day of December, 2013, in the amount of THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00), for a revised total contract amount of ONE HUNDRED FORTY-TWO THOUSAND THREE HUNDRED TEN AND NO/100 DOLLARS (\$142,310.00). The original Agreement is hereby amended by Modification No. 2 dated February 27, 2014, by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and BRASFIELD & GORRIE, L.L.C., (PROJECT MANAGER).

WITNESSETH

WHEREAS, the firm identified as the PROJECT MANAGER to the Agreement dated February 28, 2013, and amended on December 5, 2013, has proposed a change to the Original Agreement. This modification delineates a change to extend the contract completion date to December 31, 2014.

NOW THEREFORE, in consideration of the mutual covenants set forth herein, the Owner and the PROJECT MANAGER agree to the following modifications to the agreement:

1. Brasfield & Gorrie, L.L.C. will provide for extension of contract completion date to December 31, 2014.
2. Item #1 shall be performed in accordance with the original agreement dated February 28, 2013 and approved by the City Council by Resolution No. 13-152.
3. The terms of this contract modification and the execution thereof is not in any way to be viewed as a waiver on the part of the Owner of any of its rights pursuant to the Contract.

President of the City Council of the City of
Huntsville, AL

Date: February 27, 2014

4. All other terms and conditions remain unchanged.

IN WITNESS WHEREOF, the parties have entered their hands and seals and attest to the same with the signature of the Mayor being the official act of the said municipality in accordance with his duly constituted authority.

THE CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Tommy Battle
Its Mayor

ATTEST:

Charles E. Hagood
City Clerk-Treasurer

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer of the City of Huntsville, a municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the _____ day of _____ 2014.

Notary Public
My Commission Expires: _____

PROJECT MANAGER: BRASFIELD &
GORRIE, L.L.C.

By: _____

ATTEST:

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that William L. Steed, Jr., as Vice President and Division Manager, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such officer, executed the same with full authority for and as the act of said Corporation on the day the same bears day.

GIVEN under my hand and official seal this the _____ day of _____ 2014.

Notary Public
My Commission Expires: _____